



OFFICE OF  
INSURANCE COMMISSIONER

In the Matter of )

No. D06-139

SIRIUS AMERICA INSURANCE )  
COMPANY, )

SETTLEMENT AGREEMENT

An Authorized Insurer. )  
\_\_\_\_\_ )

Findings of Fact:

1. Sirius America Insurance Company ("Sirius America") is authorized to conduct insurance business in Washington State, which includes disability, property, marine transportation, vehicle, casualty and surety insurance.
2. Sirius America timely filed the required paper filings for the 2004 annual submission with the Office of the Insurance Commissioner ("OIC") on February 28, 2005. The due date was February 28, 2005.
3. On April 14, 2005 a notification of failure to file the electronic submission was mailed by the OIC to a defunct prior mailing address of the Company from 2003. OIC was notified by the Company of the current address in October 2003. The OIC used the current address in all other correspondence to Sirius America, both before and after April 14, 2005. The notification was returned to the OIC. On May 13, 2005 the OIC emailed the Company. Company requested clarification. OIC responded May 23, 2005.
4. Sirius America filed its electronic submission for the 2004 annual statement and 2004 April supplemental filing with the OIC on May 26, 2005. The due date for the electronic annual statement was February 28, 2005, and the due date for the electronic April supplemental filing was April 1, 2005.
5. Washington Administrative Code § 284-07-050(2) requires an insurer's annual statement and supplemental filings to be executed and submitted in accordance with the appropriate Annual Statement Instructions and Accounting Practices
6. Sirius America has had no prior history or pattern of late filings with the OIC.

Conclusions of Law:

1. The failure of Sirius America to timely file with the OIC its electronic 2004 annual statement by February 28, 2005 and to file its 2004 April supplemental filing by April 1, 2005 constitutes two violations of RCW 48.05.250.
2. RCW 48.05.185 authorizes the Commissioner to impose a fine in lieu of or in addition to the suspension or revocation of an insurer's certificate of authority.

Consent and Settlement:

Sirius America consents to the following, in order to resolve this matter without further legal or administrative proceedings. The Insurance Commissioner consents to resolve this matter, in consideration of the insurer's payment of the amount set forth below.

1. Sirius America consents to entry of the foregoing Findings of Fact and Conclusions of Law, and acknowledges its duty to comply with all applicable laws and regulations of Washington State. It waives further legal or administrative challenge to the actions taken, or to be taken, by the Insurance Commissioner relating to the subject matter of this order.
2. Within thirty days of the entry of this Settlement Agreement, Sirius America will pay to the Insurance Commissioner the amount of \$10,000 (ten thousand dollars).
3. If Sirius America fails to pay the amount above in full within thirty days of the entry of this order, this will constitute grounds for the suspension or revocation of the certificate of authority held by Sirius America in Washington State. It will also result in a civil action being brought by the Attorney General on behalf of the Insurance Commissioner, to recover the \$10,000.

Executed this 6 day of June, 2006

SIRIUS AMERICA INSURANCE COMPANY

By: 

PRINTED NAME: JEAN MARIE CHO

PRINTED CORPORATE TITLE: SR. VICE PRESIDENT, GENERAL COUNSEL

Order:

Pursuant to the foregoing Findings of Fact, Conclusions of Law, and Consent to Settlement, the Insurance Commissioner orders as follows:

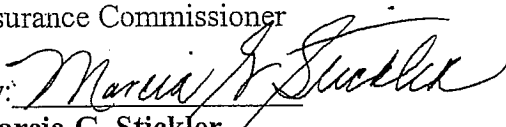
Settlement Agreement  
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1. Sirius America Insurance Company is ordered to pay, within thirty days of the entry of this Settlement Agreement, the amount of \$10,000 (ten thousand dollars).
2. Failure to timely pay the amount above in full will constitute grounds for the suspension or revocation of the certificate of authority held by the insurer in Washington State.
3. It will also result in a civil action being brought by the Attorney General, on behalf of the Insurance Commissioner, to recover the \$10,000.

Executed this 9<sup>th</sup> day of June, 2006

MIKE KREIDLER  
Insurance Commissioner

By:

  
**Marcia G. Stickler**  
Legal Affairs Division